

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSE AGUSTO,
Plaintiff,

v.

MGM RESORTS,
Defendant.

3:19-cv-00604-MMD-CLB

ORDER

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections, has submitted a *pro se* civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Additionally, Plaintiff has submitted an incomplete application to proceed *in forma pauperis*. (ECF No. 1).

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file a complete application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff fails to submit a fully complete application to proceed *in forma pauperis*, or pay the full filing fee, the court will recommend that this action be dismissed.

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court **SHALL SEND** Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30)** days from the date of this order,

1 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
2 the correct form with complete financial attachments in compliance with 28 U.S.C. §
3 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
4 fee and the \$50 administrative fee).

5 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,
6 the court will enter a report and recommendation to dismiss this action.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall retain the complaint
8 (ECF No. 1-1), but shall not file it at this time.

9 | DATED: November 21, 2019.



UNITED STATES MAGISTRATE JUDGE